

(Docket No. 106). On April 16, 2009, the Plaintiff had to file another discovery motion in the face of Defendant's continuing noncompliance. (Docket No. 112).

Additional parts of the case history are also relevant to the present motion. First, the Court has ordered a date of May 1, 2009 by which to file a motion to amend to add class allegations. Second, on April 22, 2009, the Court stayed its consideration and further disposition of the pending discovery motion until the District Court has disposed of Defendant's motion to vacate the magistrate referral.

Finally, the Plaintiff has noticed several Rule 30(b)(1) depositions and Rule 30(b)(6) deposition for next week in order to receive the requested testimony prior to filing her motion to amend. Defendant has stated unequivocally in correspondence to Plaintiff's counsel that it will not produce the subject witnesses or attend the depositions on the dates noticed.

Therefore, Plaintiff moves that this Court adjourn the May 1, 2009 and May 11, 2009 deadlines until a date after it has heard and ruled upon the pending discovery dispute and after the Defendant has produced its witnesses – likely by its representations in early May. By the terms of the Court's April 22, 2009 Order, this would be on a date that is necessarily after the District Court's disposition of the outstanding motion to vacate.

Respectfully submitted,
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/s/

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CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of April, 2009 I have electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification to the following:

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